

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HENGJIN SUN, *et al.*,

Plaintiffs,

-v-

CHINA 1221, Inc., d/b/a CHINA FUN,

Defendant.

No. 12-cv-7135 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

On February 23, 2022, the parties filed a joint status update. (Doc. No. 314.) In that letter, Plaintiffs identified two “remaining issues to be determined” by the Court: (1) Plaintiffs’ motion for attorneys’ fees (Doc. No. 261) and (2) whether Defendant has “[c]ompli[ed] with the Orders and judgments” of the Court, and, if not, “whether a 15% penalty shall be added with respect to any damages attributable to the NYLL that have not been paid to any Plaintiff upon expiration of 90 days following the issuance of judgment, under NYLL §§ 198(4) and 663(4).” (Doc. No. 314 at 1.) At the moment, however, there is no pending motion regarding Defendant’s compliance with the judgment; the only pending motion is Plaintiffs’ attorneys’ fees motion, which has been pending since January 2017 but had been stayed until recently due to Defendant’s bankruptcy proceedings. The parties’ letter does not indicate whether Plaintiffs still wish to pursue that motion. Additionally, while the parties letter indicates that counsel for Plaintiffs “has decided not to continue to work on the appeal” in this case, it is unclear from the parties’ letter whether Plaintiffs’ counsel intends to withdraw merely from the appeal or from this case entirely. (*Id.* at 2.) Accordingly, IT IS HEREBY ORDERED THAT Plaintiffs shall submit a letter by April 8, 2022, indicating whether they intend to litigate or withdraw the pending attorneys’ fees motion. IT IS

FURTHER ORDERED THAT Plaintiffs' counsel, Mr. Yan, shall indicate in that letter whether he intends to continue representing Plaintiffs in this Court. If Mr. Yan wishes not to continue representing Plaintiffs, then he must make a proper motion to be relieved, and Plaintiffs should inform the Court whether they intend to proceed pro se.

SO ORDERED.

Dated: March 28, 2022
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation